

1 **Section 11. Run-off Plebiscite.** If one political status does not receive
2 the majority votes cast in the above plebiscite, a run-off plebiscite
3 between the two (2) political status options receiving the highest number
4 of votes shall be held within sixty (60) days from the date thereof.

5
6 **Section 12. General Powers of the Commission.** The Commission
7 shall have and may exercise the following general powers in carrying out
8 the activities of the Commission :

9 (a) To acquire, in any lawful manner, any property real and
10 personal, mixed, tangible or intangible, to hold, maintain, use and
11 operate the same; and to sell, lease or otherwise dispose of the same,
12 whenever any of the foregoing transactions are deemed necessary or
13 appropriate to the conduct of the activities authorized by this Chapter,
14 and on such terms as may be prescribed by the Commission.

15 (b) To enter and perform such contracts, cooperative agreements
16 or other transactions with any person, firm, association, corporation or
17 any agency and instrumentality of the government of Guam or the United
18 States or any country, state, territory or the United Nations, or any
19 subdivision thereof, as may be deemed necessary or appropriate to the
20 conduct of the activities authorized on this Chapter and on such terms as
21 may be prescribed by the Commission.

22 (c) To execute all instruments necessary or appropriate in any of
23 its function.

24 (d) To appoint, without regard to the provisions of the Personnel
25 and Compensation Laws, such officers, agents, attorneys, consultants and
26 employees as may be necessary for the conduct of business of the
27 Commission; delegate them such powers and to prescribe for them such
28 duties as may be deemed appropriate by the Commission; to fix and pay
29 such compensation to them for their services as the Commission may
30 determine, without regard to the provisions of the Personnel and

1 Compensation Laws. In the appointment of officials and the selection of
2 employees, agents and consultants for the Commission, no political test
3 or qualification shall be permitted or given consideration but all such
4 appointments shall be given and made on the basis of merit and
5 knowledge. The Commission shall give due consideration to residents of
6 Guam in the selection of its officials, attorneys, agents, consultants and
7 employees.

8 (e) To accept gifts or donations of services or of property, real,
9 personal or mixed, tangible or intangible, in aid of any of the activities
10 authorized by this Chapter.

11 (f) To adopt rules and regulations governing operations of the
12 Commission and to take such other operations of the Commission and to
13 take such other action as may be necessary or appropriate to carry out the
14 powers and duties herein, specified or hereafter granted to or imposed
15 upon it.

16
17 **Section 13. Commission on Self-Determination.** Nothing in this Act
18 shall preclude the activities of the Commission on Self-Determination.

19
20 **Section 14. Repository for Commission Documents.** The Guam
21 Public Library shall be the depository of all public records and materials
22 pertaining to political status of the territory of Guam. The Commission
23 and Office shall transfer all of its official public documents upon
24 completion of its work.

25
26
27

Twenty-Third Guam Legislature
Committee on Federal and Foreign Affairs

Committee Report on Bill No. 765

**“AN ACT TO CREATE THE COMMISSION ON
DECOLONIZATION FOR THE IMPLEMENTATION
AND EXERCISE OF CHAMORRO SELF-
DETERMINATION.”**

Prepared by the Committee on Federal and Foreign Affairs

Senator Hope A. Cristobal, Chairperson

Senator Angel L.G. **Santos**, Vice Chairman

Senator Tom **Ada**

Senator Mark **Charfauros**

Senator Vicente **Pangelinan**

Senator Elizabeth **Barrett-Anderson**

Senator Mark **Forbes**

Senator Judith **Won-Pat Borja**

Senator Lou **Leon Guerrero**

Senator Francis **Santos**

Senator Anthony **Blaz**

Senator Carlotta **Leon Guerrero**

Publicly Heard:

November 20, 1996; 9:00 AM

Public Hearing Room, Temporary Legislature Building
155 Hesler Street
Agana, Guam

I. Introduction

The Committee on Federal and Foreign Affairs of the Twenty-Third Guam Legislature conducted a public hearing on Bill No. 765 on November 20, 1996, at 3:30 p.m. in the Legislature's Public Hearing Room of the Temporary Legislature Building, 155 Hesler Street, Agana, Guam.

The committee member(s) in attendance is as follows:

Committee on Federal and Foreign Affairs Members Present

Senator Hope A. Cristobal

Chairperson

Committee on Federal and Foreign Affairs Members Absent

Senator Tom Ada

Senator Judith Won-Pat Borja

Senator Lou Leon Guerrero

Senator Francis Santos

Senator Anthony Blaz

Senator Carlotta Leon Guerrero

Senator Angel L.G. Santos

Senator Mark Charfauros

Senator Vicente Pangelinan

Senator Elizabeth Barrett-Anderson

Senator Mark Forbes

Summary of Opening Statement

Senator Hope Cristobal made a brief statement before testimonies were heard. She noted that the Governor in his speech to the recent UOG Public Administration Conference that if nothing happens to the Commonwealth Act by April of 1997, Guam should consider an alternative route. The current process we are seeking is not a decolonization process. While Bill 765 does not repeal or replace the Commission on Self-Determination, it will pave way for the process of decolonization to begin since time is of the essence or we as a people will be struggling in the future. She stated that we can not seem to advance our rights and ourselves. She adds that it is sad to say that the Commission on Self-Determination has not met to charter a true course for Chamorro self-determination. Pursuing the quest for Chamorro self-determination must occur on Guam through Bill 765 for presentation to the United Nations.

II. Written and Oral Testimony and Input on Bill No. 765

Persons testifying before the Committee:

Mr. Vicente Garrido, Chamorro
Mr. Ed Benavente, Leader of the Nasion Chamoru; Educator
Mr. David Munoz, Chamorro
Mr. William Hernandez, Member, OPI(R)
Mrs. Amanda Santos, Chamorro
Mr. Angel C. Santos, Chamorro
Mrs. Anita M. San Nicolas, Chamorro
Mr. Enrique Cruz, Chamorro

Written testimony to the Chair of the Committee was received and entered as part of the public proceedings from:

Ms. Cecilia C.T. Perez - Chamoru

A. Oral Testimony

Several testimonies were presented during the public hearing on Bill No. 765, held on November 20, 1996. All committee members were not present during the public hearing of Bill 765.

Ben Garrido, heir and landowner, testified in favor of Bill 765. He stated believes that real freedom is Chamorro self-determination and that if we do not have this freedom, the Chamorro people are doomed. He also stated that the Organic Act is a colonial document imposed on the Chamorro people to "make it look like we are governing ourselves". He added that the Chamorro people do not have independence and Liberation Day on July 21 is recolonization day for the Chamorro people.

David Munoz, heir and landowner, testified in favor of Bill 765. He testified that when he wakes up in the morning he feels like a Chamorro but the federal government has taken away his God given rights. Federal control of our Chamorro lives should change that we, the Chamorro people should take control of our lives. We can do this by celebrating Chamorro week the whole years and stop the one week celebration. He feels that outsiders have control of our livelihood and we must get out of this situation. He said that he sheds tears each time Guam is treated as a colony. He said that we must find leaders to help Chamorros achieve their dreams and desires. The federal government should not be deciding our future. The Chamorro people should take the opportunity to enrich ourselves and develop the mechanism for the process. He felt that Bill 765

was that mechanism. Unity is important for the Chamorros to attain their goals as a people or it will get more and more difficult.

Ed Benavente of Mangilao, representing the Chamorro Nation in an emotional statement testified in favor of Bill 765. He said we need to fight for our Chamorro rights, identity and dignity; tantamount even if it means losing our livelihood. He stated that we should stop being complacent to colonialism. He supports Bill 765's immediate implementation, now. He noted that the media does not support Chamorro self-determination and even some Chamorro leaders. He said, "May God bless and give them the seed of a peoplehood. Those who are blind should open their eyes and see that we are colonized." He pointed out that in the 400 years of colonial rule, the leadership of the church has been silent. He said, "The Church a duty and obligation to blow the trumpet that colonialism is evil since colonialism destroys culture, language and people!" "Anything taken away from the Chamorro people is tantamount to ethnocide. He closed by stating that Bill 765 might be our last resort battle.

William L. Hernandez, a Pilipino and a member of the Organization of People for Indigenous Rights testified in support of Bill 765. He stated that Bill 765 corrects the mistake that was made by the Government of Guam in allowing non-Chamorros to vote in the last plebiscite in 1982. That plebiscite allowed everyone to vote on Chamorro self-determination which is contrary to the UN Charter. He also added that the lack of public education on Chamorro self-determination is the cause. He states that the longer we wait in the exercise of the Chamorro self-determination, justice is denied. He hopes that the 23rd Guam Legislature passes the bill to correct the injustice.

B. Written Testimony:

Mr. **Angel Cruz Santos**, Mrs. **Amanda L.G. Santos**, Ms. **Anita M. San Nicolas**, Mr. **Enrique R. Cruz**, as landowners/heirs, submitted written testimony. They all felt that Bill No. 765 provides a timely redress to a long injustice suffered by the people. They encourage the Legislature to immediately pass this bill.

Ms. **Cecilia C.T. Perez**, a Chamoru from Mangilao submitted a faxed written testimony in support of Bill 765. She stated that she believes in Chamoru self-determination as embodied in the United Nations Charter. She added that, "this principle for *I ManNamoru*, *I ManChamoru* to define, to determine our political status which can not continue to be ignored or underwritten." It shapes and ensures the vitality of The People, the First People of Guam, I Taotao Tano. Whatever the political outcome, it must be a decision of the People of the Land."

III. Committee Findings

The Committee on Federal and Foreign Affairs finds that the following concerns justify the passage of Bill 765. They are:

- 1) The exercise of Chamorro self-determination should begin as soon as possible.
- 2) That the current Organic Act is a colonial document.
- 3) That Liberation Day is considered a recolonization of the Chamorro people.
- 4) Unity of the Chamorro people is vital in the implementation and exercise of Chamorro self-determination.
- 5) The Chamorro people must stop the complacency to American Colonialism on Guam.
- 6) The Church has a duty and obligation to help rid Guam of colonialism because colonialism is evil and takes away Chamorro peoplehood.
- 7) Bill 765 provides a timely redress to a long injustice suffered by the Chamorro people.

IV. Committee Recommendations

The Committee on Federal and Foreign Affairs has completed its review and deliberation on Bill No. 765, "AN ACT TO CREATE A COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION" and does hereby recommend "TO DO PASS" this Bill. The Committee on Federal and Foreign Affairs also cites the following three resolutions **unanimously** approved by the 23rd Guam Legislature which relates to the decolonization of Guam:

Resolution No. 466

Relative to commending the work of the United Nations Special Committee on Decolonization; to requesting the member nations of the United Nations continue to support the important mandate and work of the United Nations Special Committee on Decolonization; to stating the people of Guam's objections to the duplicitous efforts by the United States to attack the right of self-determination for the Chamorro people through its efforts to destroy the Special Committee on Decolonization; and to state the people of

Guam's continuing support of the Special Committee on Decolonization.

Resolution No. 464 (LS)

Relative to requesting the United Nations continue its monitoring of the situation of the non-self-governing Territory of Guam; to requesting that the United Nations support the efforts of the people of Guam relative to the Guam Commonwealth Act, as drafted by the people of Guam; to requesting and sending of another United Nations Visiting Mission to Guam; to requesting that the United Nations continue to support the right of the Chamorro people to self-determination; and to request that Guam not be removed from the United Nations list of non-self-governing territories, pending the exercise of self-determination by the Chamorro people.

Resolution No. 514 (LS)

Relative to the United Nations acknowledging Guam as a "non-self-governing territory" and the United States of America as its administering power and celebrating October 24, 1996 as United Nations Day.

Resolution No. 466 (LS)

Introduced by:

D. Parkinson
H.A. Cristobal
F.E. Santos

A. L. G. Santos	A. C. Lamorena V
T. C. Ada	C. Leon Guerrero
J. P. Aguon	L. Leon Guerrero
E. Barrett-Anderson	T. S. Nelson
A. C. Blaz	S. L. Orsini
J. M. S. Brown	V. C. Pangelinan
F. P. Camacho	J. T. San Agustin
M. C. Charfauros	A. R. Unpingco
M. Forbes	J. Won Pat-Borja



Relative to commending the work of the United Nations Special Committee on Decolonization; to requesting that the member nations of the United Nations continue to support the important mandate and work of the United Nations Special Committee on Decolonization; to stating the people of Guam's objections to the duplicitous efforts by the United States to attack the right of self-determination for the Chamorro people through its efforts to destroy the Special Committee on Decolonization; and to state the people of Guam's continuing support of the Special Committee on Decolonization.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF GUAM:

WHEREAS, the United Nations has dedicated this decade as the "International Decade For The Eradication Of Colonialism"; and

WHEREAS, the Special Committee on Decolonization has, since its inception, played a critical role in the decolonization process by monitoring, protecting and promoting the rights of the peoples of non-self-governing territories, most especially, their right to exercise self-determination for their territories; and

WHEREAS, the Special Committee on Decolonization, having assisted the peoples of numerous non-self-governing territories in their successful exercise of self-determination for their territories, has time and again demonstrated its continuing importance to the decolonization process; and

WHEREAS, the mandate and work of the Special Committee on Decolonization must continue to be supported due to the fact that the peoples of 16 non-self-governing territories have yet to exercise their right to self-determination for their territories; and

WHEREAS, the continuing existence of the United Nations Special Committee on Decolonization is critical in that its existence insures that the peoples of the remaining non-self-governing territories shall continue to have their rights monitored, to include their right to exercise self-determination, by the world community, pursuant to Article 73 of the United Nations Charter; and

WHEREAS, the United States and certain other administering Powers, with the support and assistance of their allies, are inappropriately attempting to hinder and subvert the decolonization process for the remaining non-self-governing territories by way of their duplicitous efforts to destroy the Special Committee on Decolonization itself; now, therefore, be it

RESOLVED, that the Twenty-Third Guam Legislature does hereby on behalf of the people of Guam call upon the member nations of the United Nations to endorse and support the mission of the Special Committee on Decolonization, until such time as its mandate to eradicate colonialism has been fulfilled, as evidenced by a binding vote in an exercise of self-determination in the remaining non-self-governing territories; and be it further

RESOLVED, that the Twenty-Third Guam Legislature does hereby and unequivocally state its desire that the United Nations Special Committee not be dismantled and removed from the list of United Nations committees, prior to the decolonization of the remaining non-self-governing territories; and be it further

RESOLVED, that the Twenty-Third Guam Legislature calls upon the United States and other administering Powers to cease their duplicitous efforts to subvert the decolonization process by way of their ongoing effort to destroy the Special Committee itself; and be it further

RESOLVED, that the Twenty-Third Guam Legislature, does hereby on behalf of the people of Guam, commend the member nations of the United Nations Special Committee on Decolonization, to include the dedicated staff of the Secretariat of the United Nations Special Committee on Decolonization, for their diligence and dedication in the execution of their mandate to promote the decolonization of the remaining non-self-governing territories, in this the international Decade for the Eradication of Colonialism; and be it further

RESOLVED, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of same be thereafter transmitted to the Chairman, United Nations Special Committee on Decolonization; to the Chairman, Special Political and Decolonization Committee (Fourth Committee); to the President of the United Nations General Assembly; to the Secretary General of the United Nations; to the United States Mission to the United Nations; to Guam's Washington Delegate; and to the Governor of Guam.

DULY AND REGULARLY ADOPTED ON THE 19TH DAY OF JULY, 1996.

DON PARKINSON
Speaker

JUDITH WON PAT-BORJA
Senator and Legislative Secretary



Resolution No. 514 (LS)

Introduced by:

H. A. Cristobal	T. S. Nelson
T. C. Ada	S. L. Orsini
J. P. Aguon	V. C. Pangelinan
E. Barrett-Anderson	D. Parkinson
A. C. Blaz	J. T. San Agustin
J. M. S. Brown	A. L. G. Santos
F. P. Camacho	F. E. Santos
M. C. Charfauros	A. R. Unpingco
M. Forbes	J. Won Pat-Borja
A. C. Lamorena V	
C. Leon Guerrero	
L. Leon Guerrero	



Relative to the United Nations acknowledging Guam as a "non-self-governing territory" and the United States of America as its administering power and celebrating October 24, 1996 as United Nations Day.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF GUAM:

WHEREAS, the Charter of the United Nations is a treaty entered into by sovereign nations, including the United States of America, which under Article VI, Clause 2 of its Constitution, the "Supremacy Clause," treats "all treaties" including the Treaty of Peace between the United States and Spain, entered into in 1898 as the supreme law of the land; and

WHEREAS, Article 1, paragraph 2 and Article 55 of the United Nations Charter proclaimed the principle of equal rights and self-determination of all peoples, while Article 73 recognizes that "members of the United Nations which have or assume responsibilities for the administration of the territories whose people have not attained a full measure of self-government...[shall promote] the well being of the inhabitants of those territories, [and shall assist these territories] to develop self-government (taking) into account the political aspirations of the peoples, and assist them in the progressive development of the free political institutions"; and

RECALLING, that the United States of America voluntarily placed Guam on the list of "non-self governing Territories" during the United Nations General Assembly 66-1 of December 14, 1946, consistent with the United Nations Charter; and

WHEREAS, the United Nations Special Committee on Decolonization conducts annual seminars to help gather information on the conditions and problems of the non-self-governing territories and mobilize international opinion in support of the peoples' right to self-determination; and

ACKNOWLEDGING, that since 1982, representatives from Guam, including the office of the Governor, the Speaker of the Guam Legislature, the chairman of the Committee on Federal and Foreign Affairs and other non-governmental organizations have testified in the United Nations regarding Guam's colonial status as a non-self-governing territory; and

BELIEVING, that the interests of the people of Guam would be served by discussing Guam's role in the United Nations and disseminating to the public the information Guam representatives have delivered to the United Nations for the purpose of making the public aware that Guam is being discussed actively in the United Nations; and

APPRECIATING, the United Nations Special Committee on Decolonization's responsibility of encouraging the United States of America to end colonialism on Guam, based on United Nations Resolution 46/181 entitled, "International Decade for the Eradication of Colonialism" was adopted during the forty sixth session of the United Nations General Assembly, December 1991; and

WHEREAS, the United Nations has proclaimed the International Decade of the World's Indigenous People from December 10, 1994 to December 10, 2004, and International Day of the World's Indigenous People is designated for each August 9 every year; and

WHEREAS, October 24, 1996, is designated as United Nations Day and is celebrated by the member nations of the United Nations around the world and represents a day of special meaning to Guam's quest for Commonwealth and the right of the Chamorro people to self-determination; now, therefore, be it

RESOLVED, that the Twenty-Third Guam Legislature does hereby on behalf of the people of Guam join in the commemoration and celebration of United Nations Day, October 24, 1996; and be it further

RESOLVED, that the Twenty Third Guam Legislature asks the people of Guam and all educational institutions to join in the commemoration and celebration of United Nations Day and incorporate in their celebration the meaning of Guam's role at the United Nations as a non-self-governing territory; and be it further

RESOLVED, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Commission on Self-Determination; to the Guam Territorial Board of Education; to the Board of Regents, University of Guam; to the Board of Trustees, Guam Community College; to the Organization of People for Indigenous Rights; to the Nasion Chamoru; to the Chamorro Language Commission; to the Young Men's League of Guam; to the Honorable Robert A. Underwood, Guam's delegate to Congress; to the Honorable Alberto C. Lamorena, presiding judge, Superior Court of Guam; and to the Honorable Carl T.C. Gutierrez, Governor of Guam.

DULY AND REGULARLY ADOPTED ON THE 9TH DAY OF OCTOBER, 1996.


TED S. NELSON
Acting Speaker


JUDITH WON PAT-BORJA
Senator and Legislative Secretary



Resolution No. 464 (LS)

Introduced by:

D. Parkinson
H. A. Cristobal
F. E. Santos

A. L. G. Santos	A. C. Lamorena V
T. C. Ada	C. Leon Guerrero
J. P. Aguon	L. Leon Guerrero
E. Barrett-Anderson	T. S. Nelson
A. C. Blaz	S. L. Orsini
J. M. S. Brown	V. C. Pangelinan
F. P. Camacho	J. T. San Agustin
M. C. Charfauros	A. R. Unpingco
M. Forbes	J. Won Pat-Borja



Relative to requesting that the United Nations continue its monitoring of the situation of the non-self-governing Territory of Guam; to requesting that the United Nations support the efforts of the people of Guam relative to the Guam Commonwealth Act, as drafted by the people of Guam; to requesting the sending of another United Nations Visiting Mission to Guam; to requesting that the United Nations continue to support the right of the Chamorro people to self-determination; and to request that Guam not be removed from the United Nations list of non-self-governing territories, pending the exercise of self-determination by the Chamorro people.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF GUAM:

WHEREAS, the people of Guam, upon their own initiative, drafted the Guam Commonwealth Act, and subsequently, through democratic processes approved it in 1988; and

WHEREAS, the Guam Commonwealth Act is the people of Guam's proposal for an interim federal-territorial relationship, pending the exercise of Chamorro self-determination; and

WHEREAS, the people of Guam have yet to achieve a satisfactory resolution of the numerous issues contained within the draft Guam Commonwealth Act through our negotiations with our administering Power; and

WHEREAS, designated representatives and bureaucratic instrumentalities of the United States continue to oppose the right of the Chamorro people to exercise self-determination; and

WHEREAS, the first and last United Nations visiting mission sent to Guam was in 1979; and

WHEREAS, since many changes have occurred during the intervening years seventeen (17) years, it is appropriate that another United Nations visiting mission be sent to Guam; and

WHEREAS, the United States is inappropriately misrepresenting the draft Guam Commonwealth Act as an act of self-determination, which it is not; and

WHEREAS, the United States continues to inappropriately lobby and pressure the members of the United Nations to remove Guam from the United Nations list of non-self-governing territories, prior to the legitimate exercise of self-determination by the Chamorro people; and

WHEREAS, the continuing presence of Guam upon the United Nations list of non-self-governing territories is critical in that it insures that the Chamorro people of Guam shall continue to have their rights monitored, to include their right to exercise self-determination, by the world community pursuant to a binding treaty commitment; now, therefore, be it

RESOLVED, that the Twenty-Third Guam Legislature does hereby on behalf of the people of Guam call upon the United Nations Special Committee on Decolonization, the Special Political and Decolonization Committee (the Fourth Committee), and the United Nations General Assembly to support the people of Guam in their effort to establish the Commonwealth of Guam, as proposed and approved by the people of Guam through democratic processes in 1987; and be it further

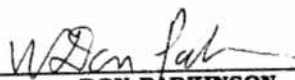
RESOLVED, that the Twenty-Third Guam Legislature invites the United Nations Special Committee on Decolonization to send another visiting mission to Guam in the immediate future; and be it further

RESOLVED, that the Twenty-Third Guam Legislature calls upon the United Nations to continue to strongly support the right of the Chamorro people to exercise self-determination, and to include a clear, unequivocal statement on same in the 1996 General Assembly Resolution relative to Guam; and be it further

RESOLVED, that the Twenty-Third Guam Legislature request that Guam not be removed from the United Nations list of non-self-governing territories, pending the full exercise of self-determination by the Chamorro people, evidenced by a binding vote of the indigenous people of Guam to determine their ultimate political status; and be it further

RESOLVED, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Chairman, United Nations Special Committee on Decolonization; to the Chairman, Special Political and Decolonization Committee (Fourth Committee); to the President of the United Nations General Assembly; to the Secretary General of the United Nations; to the United States Mission to the United Nations; to Guam's Washington Delegate; and to the Governor of Guam.

DULY AND REGULARLY ADOPTED ON THE 16TH DAY OF JULY, 1996.


DON PARKINSON
Speaker


JUDITH WON PAT-BORJA
Senator and Legislative Secretary

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Submitted to: Committee on U.S. Federal, and Foreign Affairs
Twenty-Third Guam Legislature

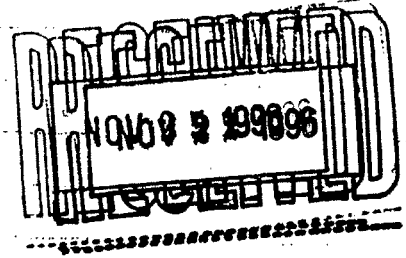
in support of Bill # 765

By: Cecilia C.T. Perez

P.O. Box 20428

GMF, GU 96921

Tel. # (671) 734-5591



Buenas yan hata adai. Si Cecilia Perez yo', tiaotio
i Isla Marianas Guahan, Faotao Tano. Hu nahe
halom esti papot yan dangkalo' na rispota para i
manñela-ta yan i manñaina-ta.

I submit this statement in support of
Bill # 765 which would create the Commission on Decolonization
for the Implementation and Exercise of Chamorro Self-Determination.

I am borne of Chamorro ~~parents~~ ^{have} ~~grandparents~~ ^{parentage}
and maintain residency in Guam for most of my 36 years.

I have had formal educational training as well as grass
roots educational training in the discipline of Chamorro History.

I believe in the principle of Chamorro Self-Determination
as defined by the United Nations Charter and as set forth
by Chamorro History. The Chamorro Archipelago, though carrying a
variety of appellations, has been the source, sustenance and
homelands of the indigenous Chamorro from time immemorial.

Centuries before Las Españas became Spain, before
the lands of American Indian Nations became known as The
Americas, the Chamorro were sovereign. We had a sustainable
economy and trafficked the open seas.

This principle for I ManNamoru, I ManChamoru to define, to determine our political status ~~is imperative to~~ ~~the~~ cannot continue to be ignored or underwritten. It shapes and ensures the vitality of The People, the First People of Guam, I Tdotso Tdno. Whatever the political outcome, it must be a decision of The People of the Land.

Ginen i menhalom na siniente-ka, ~~yan~~ i himasso'kn, yan i istorian i I ManNamoru, I ManChamoru, hu sapopotte' ~~at~~ ~~as~~ i Bill # 765. I support the principle of Chamoru Self Determination as embodied in this proposed legislation.

Sersen yan Magahot,
21 Decilin 1996
25 Nubembre 1996

NASION CHAMORU

P.O. BOX 1609
AGANA, GUAM 96932
Ph: 734-8018

November 19, 1996

Senator Hope A. Cristobal (D)
Chairperson, Committee on Federal
and Foreign Affairs
Suite 201 Quan Bldg.
326 West Soledad Ave.
Agana, Guam 96910

Hafa Adai Madam Chair:

First of all Chamoru Nation opposes the signing of Executive Order 96-19 which gives the authority to GEDA to formulate a Land Use Plan for Excess Federal Lands identified under the 1994 Guam Land Use Plan (GLUP 94). It is our position that all lands be returned back to original land owners as a result of the land takings by the Federal Government.

In our analyses of all the proposed legislation heard before your committee, we have found that relative to bills 707, 714, 750 and 765, that such bills provides a timely redress to a long injustice suffered by our people. The Chamoru Nation wholeheartedly and vehemently supports the immediate passage of such bills into law. We hope to encourage each member of your committee and the entire legislative body to support all the bills enumerated above. Thank you for your time.

Dangkolo na si Yu'os Ma'ase'

Buen Salut, Biba Taotao Tano', Biba Guahan



Nasion Chamoru, Maga'lahi

Landowners — Angel Cruz Santos
or
(heirs) Amanda W.G. Santos
Anita M. San Nicolas
Enrique R. Cruz

Hafa Adai Madam Chair,
It is our position that all lands
be returned back to original land
owners as a result of the land
takings by the Federal Government.
We have found that relative to bills
707, 714, 750, 765, that such bills provides
a timely redress to a long injustice
suffered by our people. We wholeheartedly
supports the immediate passage of
such bills in law. We encourage
each member of your committee and
the entire legislative body to support
all the bills enumerated above. Thank
you for your time.

Si Xulos Malase!

Amanda W.G. Santos	586-05-5331
Angel C. Santos	586-01-7352
Anita M. San Nicolas	586-62-7309
Enrique R. Cruz	

COMMITTEE ON FEDERAL & FOREIGN AFFAIRS

Senator Hope A. Cristobal, Chair

PUBLIC HEARING

BILL 765- An act to create a comission on decolonization for the implementation and exercise of Chamorro self-determination.

WEDNESDAY, NOVEMBER 20, 1996

9:00 AM

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Twenty-Third Guam Legislature
Committee on Federal and
Foreign Affairs
SENATOR HOPE A. CRISTOBAL
Chairperson

9:00am, Wednesday, November 20, 1996
155 Hesler Street, Agana



Agenda

1. *Confirmation hearing on the
appointment of
Colonel Benny Paulino
to the position of Adjutant General,
Guam National Guard.*

2. Reuse Plan for
GLUP '94 Properties
*All original landowners and the
homeless are invited to present
testimonies.*

3. **BILL 707-(H.A.Cristobal)**
An act to require the Department of Revenue
and Taxation to conduct an audit of property
tax payments for the past twenty years to
identify and publish a listing of people and
amounts to be refunded. Repeals the statute of
limitations so property owners will be able to
collect the monies owed to them.

4. **BILL 714-(A.Santos)**
An act to develop a land use policy and plans
for certain parcels of excess federal properties
identified in the 1994 Guam Land Use
Plan(GLUP).

5. **BILL 750-(H.Cristobal)**
An act to compensate landowners whose lands
have been taken by the Government of Guam
and its agencies without due process and just
compensation since 1945. Addresses property
taxes on government easements.

6. **BILL 765-(H.A.Cristobal)**
An act to create a commission on
decolonization for the implementation and
exercise of Chamorro self-determination.

All interested parties should attend.
For more information contact the
Office of Senator Hope Alvarez Cristobal at
Phone:472-3581/2/3 Fax:472-3585

PDN 11/16+18/96

CHAMORRO REGISTRY & DECOLONIZATION BILLS

We as individuals as a group, and as citizens of this Territory hereby, appeal and petition all of the leaders of this Territory to pass into law Bill 673, the Chamorro Registry Bill and Bill 765 establishing a Committee on Decolonization.

<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
<u>Peter E. B. B.</u>	<u>188 REDONDO CATAN, DEDEDO</u>	<u>632-3803</u>
<u>Natividad E. B. B.</u>	<u>171 LORETA ST</u>	<u>638-7516</u>
<u>Eduardo J. Cruz Morcillo</u>		<u>N/A</u>
<u>Juan R. Cruz Yona</u>		<u>789-1972</u>
<u>Vicente C. Santa Sinjara</u>		<u>N/A</u>
<u>Margarita E. Camacho</u>	<u>122 Herethest Babelo</u>	<u>632-2668</u>
<u>Amanda S. Santos</u>	<u>(PO) BOX 21806 GMEF</u>	<u>(134-5091)</u>
<u>Angel C. Santos</u>	<u>(P) BOX 21806 GMEF</u>	<u>(134-5091)</u>
<u>Juan C. Torres</u>	<u>P.T.I. - Bx 892</u>	<u>477-0384</u>
<u>G. D. Crutch</u>	<u>Talofose</u>	<u>Box 22223 G.M.F. 789-0015</u>
<u>Emilio J. Jones</u>	<u>Yona</u>	<u>Box 1713 Agaña, Guam 789-2895</u>
<u>Jose C. Mendo</u>	<u>Sinjara</u>	<u>637-7971 (Mather)</u>
<u>Mario Perez</u>	<u>Sinjara</u>	<u>477-1482</u>
<u>Toni K. Raso</u>	<u>Sinjara</u>	<u>649-4903 4903</u>
<u>Manalilloa Raso</u>	<u>Tam</u>	<u>649-6433</u>
<u>Julia S. Santara</u>	<u>Tam</u>	<u>649-3378</u>
<u>Maria Uloa Roviado</u>	<u>Tam</u>	<u>649-6433</u>
<u>Donita E. Raga</u>	<u>Babelo</u>	<u>632-2037</u>
<u>Josefina B. Baranant</u>		<u>632-2192</u>
<u>Maria B. Pingelina</u>		<u>637-5744</u>
<u>Miguel C. Goz</u>		<u>477-5883</u>
<u>Tommy A. B. B.</u>	<u>137 Fernandest Yona</u>	<u>789-2338</u>
<u>Concepcion B. B.</u>	<u>Yona</u>	<u>189-1343</u>

No.	SIGNATURE	ADDRESS	PHONE NUMBER
1.	<u>Alvin B. Pantoja</u>	<u>P.O. Box 27837</u> <u>Barrigada, GU</u>	<u>632-4073</u>
2.	<u>Secundina Pantoja</u>	<u>P.O. Box 4186</u> <u>Yigo, GU 96929</u>	<u>632-4042</u>
3.	<u>Jaime D. Guzman</u>	<u>4 MANO RD, AGAT</u>	<u>565-1005</u>
4.	<u>V. B. B. B.</u>	<u>1108 N SANTA CRUZ ST</u> <u>AGAT, GUAM</u>	<u>565-5189</u>
5.	<u>C. Spay</u>	<u>P.O. Box 20428</u> <u>CMF</u>	<u>734-5501</u>
6.	<u>[Signature]</u>	<u>P.O. Box 5401</u> <u>Hagat Rd</u>	<u>653-6467</u>
7.	<u>[Signature]</u>	<u>9-A EROK</u> <u>LANC SANJANA</u>	<u>477-1165</u>
8.	<u>[Signature]</u>	<u>P.O. Box 9674</u> <u>San Juan, GU</u>	<u>505-4430</u>
9.	<u>Daniel A. A. A.</u>	<u>P.O. Box 167</u> <u>Agana 96910</u>	<u>789-0310</u>
10.	<u>Annie Borja</u>	<u>P.O. Box 27335</u> <u>CMF 96921</u>	<u>637-4931</u>
11.	<u>Antonio M. Cabreza</u>	<u>CMF</u> <u>Box 27335</u>	<u>637-4931</u>
12.	<u>Celine Camacho</u>	<u>P.O. Box 2006</u> <u>Agana, GU</u>	<u>734-9269</u>
13.	<u>Raul V. R. Gamid</u>	<u>114 DUKKI CT.</u> <u>DEDEDO, GU 96912</u>	<u>632-7968</u>
14.	<u>Manuel H. H. H.</u>	<u>Santa Rita</u>	<u>565-2107</u>
15.	<u>Patricia U. Gamido</u>	<u>P.O. Box 1239</u> <u>Agana 96932</u>	<u>649-6433</u>
16.	_____	_____	_____
17.	_____	_____	_____
18.	_____	_____	_____
19.	_____	_____	_____
20.	_____	_____	_____
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CHAMORRO REGISTRY & DECOLONIZATION BILLS

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No.	SIGNATURE	ADDRESS	PHONE NUMBER
1.	<u>[Signature]</u>	<u>Harmun</u>	<u>646-4345</u>
2.	<u>Anna M. Lando</u>	<u>Dededo</u>	<u>632-1337</u>
3.	<u>Catherine McGill</u>	<u>TAMUNING</u>	<u>649-5008</u>
4.	<u>Yvon A. Cruz</u>	<u>Yona</u>	<u>789-1972</u>
5.	<u>Vicente C. Laro</u>	<u>Sinigau</u>	<u>N/A</u>
6.	<u>Marina J. Lopez</u>	<u>Talofoto</u>	<u>789-3084</u>
7.	<u>Eddie C. Lopez</u>	<u>Talofoto</u>	<u>189-3084</u>
8.	<u>Ed. Pocaigae</u>	<u>127 R.B. Outpost Yona, GU 96944</u>	<u>789-2101</u>
9.	<u>Joaquin M. Lando</u>	<u>Dededo</u>	<u>632-1337</u>
10.	<u>Anna M. Laro</u>	<u>Dededo</u>	<u>632-1016</u>
11.	<u>Guillermo J. Laro</u>	<u>Yona</u>	<u>789-2845</u>
12.	<u>Chafaina</u>	<u>Banguida</u>	<u>734-1983</u>
13.	<u>Edward Pocaigae</u>	<u>Yona</u>	<u>789-2101</u>
14.	<u>MARINO CRUZ</u>	<u>YISO</u>	<u>655-7011</u>
15.	<u>Amanda B. Santos</u>	<u>PO Box 4312 Barr.</u>	<u>734-5091</u>
16.	<u>Edward D. Ruyter</u>	<u>AGANA, GU 96932</u>	<u>646-8908</u>
17.	<u>Martha Anne</u>	<u>Santa Rita</u>	<u>565-41132</u>
18.	<u>Conchita</u>	<u>Echaven</u>	<u>472 4744</u>
19.	<u>Martha Anne</u>	<u>MINER</u>	<u>P.O. Box 10497 Sinigau</u>
20.	<u>Martha Anne</u>	<u>Dededo</u>	<u>646 20 66</u>
21.	<u>Martha Anne</u>	<u>P.O. Box 11405</u>	<u>TAMUNING, GU</u>
22.	<u>RAYMOND GARRINO</u>	<u>PO Box 1595</u>	<u>Dededo</u>
23.	<u>[Signature]</u>	<u>246 Redondo</u>	<u>632-3977</u>
24.	<u>[Signature]</u>	<u>Catao DEDAO</u>	
25.	<u>[Signature]</u>	<u>Gu. 96912</u>	
26.	<u>[Signature]</u>	<u>P.O. Box 2349</u>	
27.	<u>Olympia P. Cruz</u>	<u>Agana</u>	<u>789-4006</u>
28.	<u>Rosario Pongelun</u>	<u>P.O. Box 2433</u>	<u>789-2760</u>
29.	<u>[Signature]</u>	<u>Agana</u>	
30.	<u>Alexander T. Silva</u>		<u>677 2708</u>

No.	SIGNATURE	ADDRESS	PHONE NUMBER
1.	Michael McInnes	#40 Tenorio St Talofofo	789-0565
2.	Catherine McCall	P.O. Box 12805 TAMUNING	649-5008
3.	[Signature]	P.O. Box 96932 Agaña	646732
4.	B. Gajek	P.O. Box 8217 TAMUNING	649-1370
5.	M. Gajek	P.O. Box 8217 TAMUNING	649-1370
6.	[Signature]	POB 4291 Agaña, GU 96932	477-2202
7.	[Signature]	P.O. Box 3862 Agaña, GU 96910	646-1205
8.	[Signature]	TAMUNING	6464166
9.	Juan Q. Lizama	AGAT	565-1005
10.	Benny [Signature]	Chetumal	789-4646
11.	Jose C. [Signature]	Singapore	637-7971 Mallo
12.	Donna [Signature]	Box 25384, GU 921	735-4390/1/2
13.	Annie Borja	P.O. Box 27335 GMF 96921	637-4931
14.	[Signature]	151 RAMON ST. YONA GU 96910	789-1032 WK: 564-1847/48
15.	Juanita R. Ligon	Agat	565-1005
16.	Maria R. [Signature]	Santa Rita	565-2107
17.	Ramona C. Castro	Talofofo	789-5319 wk. 104-1171
18.	Tini Ballo	Talofofo	789-1115
19.			
20.			
21.			
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H.A. Cristobal

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TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 765 (LS)
Introduced by:

H.A. Cristobal *Hristobal*

AN ACT TO CREATE THE COMMISSION ON
DECOLONIZATION FOR THE IMPLEMENTATION AND
EXERCISE OF CHAMORRO SELF-DETERMINATION.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:

3 Section 1. Statement of Legislative Findings and Purpose. The
4 Legislature recognizes that all the people of the territory of Guam have
5 democratically expressed their collective will and have recognized and
6 approved the inalienable right of the Chamorro people to self-
7 determination. This includes the right to ultimately decide the future
8 political status of the territory of Guam as expressed in Section 102(a) of
9 the Guam Commonwealth draft Act as approved by the people of Guam
10 in a plebiscite held September 1988. Consistent with this intent, the
11 people of Guam have petitioned the United States Congress to also
12 recognize this inalienable right on behalf of the American people.
13 Noting that it has been almost 9 years since the people of Guam have
14 transmitted the Guam Commonwealth draft Act to the federal
15 government and that Section 102(a) has been significantly changed to
16 warrant rejection of this section of the document, the Legislature in the
17 interest of the will of the people of Guam, desirous to end colonial
18 discrimination and address long-standing injustice of a people, does

1 hereby, establish the Commission on Decolonization for the
2 Implementation and Exercise of Chamorro Self-Determination.

3
4 **Section 2. Definitions.**

5 (a) **Self-determination.** Freedom of a people to determine the
6 way in which they shall be governed and whether or not they shall be
7 self-governed.

8 (b) **Chamorro people of Guam.** All inhabitants of Guam in
9 1898 and their descendants who have taken no affirmative steps to
10 preserve or acquire foreign nationality.

11
12 **Section 3. Legal and Moral Basis.** The following documents provide
13 and support the moral and legal basis for Chamorro Self-Determination:
14 the 1898 Treaty of Peace between the United States and Spain; Chapter
15 XI of the United Nations Charter; United States yearly reports to the
16 United Nations on the Non Self-Governing Territory of Guam; 1950
17 Organic Act of Guam; UN Resolution 1541 (XV); UN Resolution 1514
18 (XV); Section 307(a) of the United States Immigration and Nationality
19 Act; Part I, Article 1, Paragraph 1 and 3 of the International Covenant on
20 Civil and Political Rights.

21
22 **Section 4. Creation and Membership of Commission.** There is
23 established a Commission on Decolonization for the Implementation and
24 Exercise of Chamorro Self-Determination for the people of Guam which
25 shall be composed of (10) members including the Chairperson. The
26 Governor shall serve as the Chairperson of the Commission. Three (3)
27 members of the Commission shall be appointed by the Governor, of
28 which two (2) shall be members of Chamorro rights organizations; three
29 (3) members of the Legislature: of which one (1) shall be a member of
30 and be selected by the Legislature's minority; one (1) member to be the

1 Chairperson of the Committee on Federal and Foreign Affairs; and one
2 (1) to be appointed by the Speaker, who may appoint self; and one (1)
3 member of the Mayors Council shall be appointed by the Mayors
4 Council; one (1) member to represent the judiciary to be appointed by the
5 Chief Justice of the Supreme Court of Guam, who may appoint self; and
6 one (1) member to represent the youth of Guam to be appointed by the
7 Speaker of the Youth Congress from among the qualified members of the
8 Congress, who may appoint self. The Commission shall choose a vice-
9 chairperson from among the members of the Commission. No person
10 shall be eligible to serve as a member of the Commission unless he or
11 she shall be a citizen of the United States qualified to vote on Guam.
12 Members (except for the Chairperson) shall serve throughout the life of
13 the Commission and shall elect among themselves a Vice-Chairperson
14 who shall serve as Chairperson in the absence of the Governor.
15 Vacancies in the membership shall be filled in the same manner as the
16 original appointment.

17
18 **Section 5. Function.** The general purpose of the Commission is to
19 ascertain the desire of the Chamorro people of Guam as to their political
20 relationship with the United States. Once the desire of the Chamorro
21 people of Guam is ascertained, the Commission shall transmit that desire
22 to the President and Congress of the United States and the Secretary
23 General of the United Nations.

24
25 **Section 6. Creation of Task Forces.** The Commission shall create
26 three (3) Task Forces. Each task force shall be composed of seven (7)
27 members, appointed by the Commission, who are advocates for the
28 status for which they are appointed. The three task forces are: (1)
29 Independence Task Force; (2) Free Association Task Force; and (3)
30 Statehood Task Force.

1 **Section 7. Function of Task Forces.** The three task forces shall draw
2 upon the resources of the Commission, and no later than four (4) months
3 from the date of their appointment, after conducting an extensive study,
4 including input from the general public, each task force shall present a
5 position paper to the Commission on their respective political status
6 option for Guam.

7
8 **Section 8. Office and Employees of the Commission.** Considering
9 that the majority of the activities of the Commission on Self-
10 Determination have been fulfilled, the office and employees of the
11 Commission on Self-Determination shall also serve as the office and
12 employees of the Commission on Decolonization.

13
14 **Section 9. Public Information Program.** The Commission, in
15 conjunction with the Commission's task forces shall conduct an
16 extensive public education program throughout the island based on the
17 position papers submitted by each task force.

18
19 **Section 10. Plebiscite Date and Voting Ballot.** At every Primary
20 election hereafter, until such time as a final status for the territory of
21 Guam is determined by the Chamorro people, the Guam Election
22 Commission, or any successors to it, shall also conduct a political status
23 plebiscite at which the following question shall be asked of the
24 Chamorro people:

25 *"In recognition of your right to self-determination, which of the*
26 *following political status options do you favor?"* (Mark ONLY ONE):

- 27 1. Independence ()
28 2. Free Association ()
29 3. Statehood ()
30
-

1 **Section 11. Run-off Plebiscite.** If one political status does not receive
2 the majority votes cast in the above plebiscite, a run-off plebiscite
3 between the two (2) political status options receiving the highest number
4 of votes shall be held within sixty (60) days from the date thereof.

5
6 **Section 12. General Powers of the Commission.** The Commission
7 shall have and may exercise the following general powers in carrying out
8 the activities of the Commission :

9 (a) To acquire, in any lawful manner, any property real and
10 personal, mixed, tangible or intangible, to hold, maintain, use and
11 operate the same; and to sell, lease or otherwise dispose of the same,
12 whenever any of the foregoing transactions are deemed necessary or
13 appropriate to the conduct of the activities authorized by this Chapter,
14 and on such terms as may be prescribed by the Commission.

15 (b) To enter and perform such contracts, cooperative agreements
16 or other transactions with any person, firm, association, corporation or
17 any agency and instrumentality of the government of Guam or the United
18 States or any country, state, territory or the United Nations, or any
19 subdivision thereof, as may be deemed necessary or appropriate to the
20 conduct of the activities authorized on this Chapter and on such terms as
21 may be prescribed by the Commission.

22 (c) To execute all instruments necessary or appropriate in any of
23 its function.

24 (d) To appoint, without regard to the provisions of the Personnel
25 and Compensation Laws, such officers, agents, attorneys, consultants and
26 employees as may be necessary for the conduct of business of the
27 Commission; delegate them such powers and to prescribe for them such
28 duties as may be deemed appropriate by the Commission; to fix and pay
29 such compensation to them for their services as the Commission may
30 determine, without regard to the provisions of the Personnel and

1 Compensation Laws. In the appointment of officials and the selection of
2 employees, agents and consultants for the Commission, no political test
3 or qualification shall be permitted or given consideration but all such
4 appointments shall be given and made on the basis of merit and
5 knowledge. The Commission shall give due consideration to residents of
6 Guam in the selection of its officials, attorneys, agents, consultants and
7 employees.

8 (e) To accept gifts or donations of services or of property, real,
9 personal or mixed, tangible or intangible, in aid of any of the activities
10 authorized by this Chapter.

11 (f) To adopt rules and regulations governing operations of the
12 Commission and to take such other operations of the Commission and to
13 take such other action as may be necessary or appropriate to carry out the
14 powers and duties herein, specified or hereafter granted to or imposed
15 upon it.

16
17 **Section 13. Commission on Self-Determination.** Nothing in this Act
18 shall preclude the activities of the Commission on Self-Determination.

19
20 **Section 14. Repository for Commission Documents.** The Guam
21 Public Library shall be the depository of all public records and materials
22 pertaining to political status of the territory of Guam. The Commission
23 and Office shall transfer all of its official public documents upon
24 completion of its work.

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27
